

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NETWORK APPS, LLC, a Washington
limited liability corporation,

Plaintiff,

v.

AT&T INC., a Delaware corporation;
AT&T CORP., a New York corporation;
AT&T MOBILITY, LLC, a Delaware
limited liability company; AT&T
SERVICES, INC., a Delaware corporation,

Defendants.

No. 2:16-cv-01852-TSZ

**STIPULATED MOTION TO
DISMISS DEFENDANT AT&T INC.
WITHOUT PREJUDICE**

NOTE ON MOTION CALENDAR:
January 12, 2017

Plaintiff Network Apps, LLC (“Plaintiff”) and Defendants AT&T Inc. (“AT&T Inc.”), AT&T Corp., AT&T Mobility, LLC, and AT&T Services, Inc. (collectively, “Defendants”) (Defendants and Plaintiff referred to below collectively as the “Parties”) jointly submit this stipulation and proposed order regarding the dismissal of AT&T Inc. without prejudice from Civil Action No. 2:16-cv-01852-TSZ (the “Action”).

Defendants hereby make the following representations:



AT&T Inc. does not design, make, use, sell, offer for sale, or import any products, methods, or services. AT&T Inc. is and always has been only a holding company. As a holding company, AT&T Inc. conducts no business with the public and is not the proper entity for the conduct alleged in this case. AT&T Inc. does not design, make, use, sell, offer for sale, or import any products, methods, or services. AT&T Inc. is, legally and factually, a separate entity that is distinct from its subsidiaries and affiliates.

STIPULATIONS BY PARTIES

Based on the Defendants' representations above, the Parties hereby stipulate to and request that the following relief be granted:

1. The Parties stipulate to the dismissal of AT&T Inc. without prejudice from the Action and request that the Court enter the accompanying order dismissing AT&T Inc. without prejudice from Civil Action No. 2:16-cv-01852-TSZ.

2. For the purposes of the Action only, Defendants will not take the position that Plaintiff's claims should fail because Plaintiff has not sued the proper entity or entities related to AT&T.

3. For the purposes of this Action only, Defendants shall not object to any discovery served by Plaintiff, including the production of documents and things, answering interrogatories, or production of any witness for deposition based on any distinction among Defendants. For the purposes of the Action only, any and all information, documents, and witnesses in the possession, custody or control of AT&T Inc. shall be deemed to be also in the possession, custody or control of AT&T Corp., AT&T Mobility, LLC, and AT&T Services, Inc. for purposes of the Action, but only to the extent any such information, documents, and witnesses would otherwise be discoverable in the Action.

4. For the purposes of this Action only, Defendants stipulate that they shall not argue that Plaintiff should have brought its claims for patent infringement against AT&T Inc. or any other party affiliated with AT&T Inc. in order to collect any damages it seeks

from Defendants for alleged infringement of the patent-in-suit; that the dismissal of AT&T Inc. shall not affect Plaintiff's ability to recover the damages it seeks entirely from Defendants; and that AT&T Corp., AT&T Mobility, LLC, and AT&T Services, Inc. are able to satisfy any judgment against them in the Action.

5. The Parties further agree that this Stipulation or any portion thereof shall not be argued to be evidence of infringement or non-infringement, validity or invalidity, and shall not be presented to or mentioned in front of the jury at any trial of this case as such evidence or for any other purpose.

DATED: January 12, 2017.

/s/ Priya Sinha Cloutier (w/permission)
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Counsel for Defendants AT&T Corp., AT&T Mobility, LLC and AT&T Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receives CM/ECF notification.

DATED: January 12, 2017, at Seattle, Washington.

s/Kelly M. Kennedy

Kelly M. Kennedy, Legal Assistant